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ORIGINAL

OF

EDWARD H. KUBO, JR. #2499
United States Attorney
District of Hawaii

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

MAR 30 2004

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First Assistant U.S. Attorney

at 10 o'clock and 40 min. a.m.
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MAR 29 2004 Dev
3:00 PM
CLERK, U. S. DISTRICT COURT
DISTRICT OF HAWAII

Attorneys for Plaintiff
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 00-00105-01 SOM
)	
Plaintiff,)	FINAL ORDER OF FORFEITURE
)	
vs.)	
)	
ALLEN ANDY KIMBALL,)	
)	
Defendant.)	
_____)	

FINAL ORDER OF FORFEITURE

WHEREAS, on September 8, 2000, defendant ALLEN ANDY KIMBALL pled guilty to Counts 1-9 and 12 of the First Superseding Indictment and admitted that the following personal money judgments listed in Count 13.B., C. and F. of the First Superseding Indictment did constitute amounts of money or proceeds involved in the offenses alleged in Counts 7, 8 and 12 of the First Superseding Indictment, respectively:

- (1) \$10,000 in United States currency as this sum constitutes the total amount of money involved in the offense charged in Count 7 (Count 13.B.);
- (2) \$12,000 in United States currency as this sum constitutes the total amount of money involved in the offense charged in Count 8 (Count 13.C.); and
- (3) \$1,000,000 in United States currency as this sum constitutes the amount of proceeds involved in the offenses charged in Count 12 (Count 13.F.)

(collectively referred to as the "Personal Money Judgments").

WHEREAS, the United States inadvertently failed to submit for the Court's approval a preliminary order of forfeiture regarding the Personal Money Judgments in accordance with Fed. R. Crim. P. 32.2(b)(2);

WHEREAS, Fed. R. Crim. P. 32.2(c)(1) expressly provides that no ancillary proceeding is required to the extent that a forfeiture consists of a personal money judgment, and therefore, publication was not required and no third-party rights were affected by the United States' failure to file a preliminary order of forfeiture;

WHEREAS, on March 5, 2004, the Court sentenced defendant ALLEN ANDY KIMBALL on Counts 1-9 and 12 of the First Superseding Indictment, and among other things, the Court orally ordered the forfeiture defendant's interest in the property described in Count 13 of the First Superseding Indictment.

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Personal Money Judgments are hereby entered

against defendant ALLEN ANDY KIMBALL pursuant to 18 U.S.C. §§ 982 and 1956.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that all of defendant ALLEN ANDY KIMBALL's right, title and interest in the Personal Money Judgments described above is hereby condemned, forfeited and vested in the United States of America, and shall be disposed of according to law; and

IT IS FURTHER ORDERED that the United States District Court shall retain jurisdiction in the case for the purpose of enforcing this Order.

DATED: 3-29-04, at Honolulu, Hawaii.


UNITED STATES DISTRICT JUDGE

USA v. Allen Andy Kimball;
Cr. No. 00-00105-01 SOM;
"Final Order of Forfeiture"